

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

JONATHAN RIVERA-PIEROLA,

Plaintiff,

v.

BOARD OF REGENTS FOR THE
OKLAHOMA AGRICULTURAL AND
MECHANICAL COLLEGES; STATE OF
OKLAHOMA *ex rel.* OKLAHOMA
STATE UNIVERSITY; and ST.
MATTHEWS UNIVERSITY, INC.,

Defendants.

Civil Action No.: 5:21-cv-00616-PRW

**UNOPPOSED MOTION FOR EXTENSION OF CURRENT DISCOVERY AND
TRIAL DOCKET DEADLINES**

COMES NOW, Plaintiff, Jonathan Rivera-Pierola (“Plaintiff”), pursuant to LCvR 7.1(h), hereby respectfully requests a ninety (90) day extension of the current discovery and trial docket deadlines. In support Plaintiff states:

1. On August 3, 2022, this Court entered the first Scheduling Order [Docket No. 30].
2. This is the first request to extend the deadlines in this case.
3. Counsel for Plaintiff and Defendants, the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges (“Board of Regents”) and the State of Oklahoma *ex rel.* Oklahoma State University (“Defendants,” and together with Plaintiff, collectively, the “Parties”), have been in negotiation with a third-party in an attempt to potentially resolve this matter. Despite the Parties best efforts, it is taking an extended amount of time to

receive a response from the third-party, which is not in the United States. At this time, the Parties are currently awaiting a response from that third-party, which would have a substantial impact on the potential for settlement.

4. The Parties have been diligently conducting discovery and continue to conduct discovery, including the exchange of their Rule 26(a) disclosures and responses to written discovery. Plaintiff's deposition is also scheduled to take place on March 21, 2023. Plaintiff intends to take the depositions of six (6) or seven (7) witnesses, consisting of Oklahoma State University employees, former employees, and a third-party witness.

5. Plaintiff intends to disclose an expert witness and their expert report to Defendants upon receipt from the expert witness. Defendants will require additional time to depose Plaintiff's expert witness(es) and to prepare their rebuttal expert report. Plaintiff intends to take the deposition of any rebuttal expert.

6. In addition, several of the witnesses who will be called to testify at trial are University professors at Oklahoma State University and other Universities. It is the experience of both counsel that University professors are often unavailable to testify during the summer months.

7. Counsel for Plaintiff and Defendants agree that extending the deadlines for ninety (90) days would be in the best interest of all parties, and such an extension would not be for the purpose of delay.

8. Should the Court grant the extension, the current discovery and trial docket deadlines would be extended for ninety (90) days.

9. Should the Court grant the extension, the deadlines would adjust as follows:

FILINGS	CURRENT DEADLINES	PROPOSED DEADLINES
Plaintiff to file a final list of expert witness(es) in chief and submit expert reports to Defendants	April 1, 2023	June 30, 2023
Plaintiff to file a list of witnesses together with addresses and brief summary of expected testimony where a witness has not already been deposed	April 1, 2023	June 30, 2023
Plaintiff to file final exhibit list	April 1, 2023	June 30, 2023
Defendant to file objections to the Plaintiff's final exhibit list, under Fed.R.Civ.P. 26(a)(3)(B)	April 15, 2023	July 13, 2023
Defendant to file a final list of expert witness(es) in chief and submit expert reports to Plaintiff	April 11, 2023	July 10, 2023
Defendant to file a final list of witnesses, together with addresses and brief summary of expected testimony where a witness has not already been deposed	April 11, 2023	July 10, 2023
Defendant to file final exhibit list	April 11, 2023	July 10, 2023
Plaintiff to file objections to the Defendants' final exhibit list, under Fed.R.Civ.P. 26(a)(3)(B)	April 25, 2023	July 24, 2023
All Dispositive motions to be filed	April 1, 2023	June 30, 2023
Discovery to be completed	May 1, 2023	July 31, 2023
Daubert motions to be filed	May 1, 2023	July 31, 2023
Jury Trial	June 2023	September 2023 or November 2023
Designations of deposition testimony to be used at trial	May 25, 2023	August 23, 2023 or October 23, 2023
Objections and counter-designations to be filed. Objections to counter-designations to be filed within seven (7) days thereafter	June 1, 2023	August 30, 2023 or October 30, 2023
Motions in limine	May 25, 2023	August 23, 2023 or October 23, 2023
Requested voir dire	May 25, 2023	August 23, 2023 or October 23, 2023
Requested jury instructions	May 25, 2023	August 23, 2023 or October 23, 2023

Proposed findings and conclusions of law	May 25, 2023	August 23, 2023 or October 23, 2023
Final Pretrial Report, approved by all counsel, and in full compliance with Local Rules (see Appendix IV), together with a proposed order approving the report	May 25, 2023	August 23, 2023 or October 23, 2023

WHEREFORE for the above stated reasons, Plaintiff respectfully requests a ninety (90) day extension for the current discovery and trial docket deadlines.

Submitted this 10th day of March, 2023.

Respectfully submitted,

/s/ Jason J. Bach

Jason J. Bach

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Attorneys for Plaintiff Jonathan Rivera-Pierola

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2023, I electronically transmitted the attached document to the Clerk of Court using the ECF system for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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/s/ Jason J. Bach
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